

**RESOLUTION NO. 75587**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DELEGATING AUTHORITY TO THE CITY MANAGER AND THE CITY MANAGER'S DESIGNEES TO CONDUCT A PUBLIC HEARING WITH RESPECT TO THE PROPOSED ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF ITS REVENUE BONDS FOR THE BENEFIT OF SUNPOWER CORPORATION AND/OR A RELATED ENTITY FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986**

**WHEREAS**, SunPower Corporation, a Delaware corporation (the "Corporation"), has submitted and the California Enterprise Development Authority (the "Authority") has accepted, an application requesting the Authority to issue, from time to time, pursuant to a plan of finance, its tax-exempt and/or taxable revenue bonds in an aggregate principal amount not to exceed \$30,000,000 (the "Bonds") for the benefit of the Corporation pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State, (commencing with Section 6500) the proceeds of which will be used by the Corporation in part to (a) finance the cost of improving, rehabilitating, and equipping three buildings containing an aggregate of 185,704 square feet located at 51, 77 and 145 Rio Robles Drive, San Jose, California 95134 (the "Facilities"); and (b) pay capitalized interest, fund a reserve fund for the Bonds, if any, pay credit enhancement costs and certain costs of issuance in connection with the Bonds; and

**WHEREAS**, the issuance of the Bonds must be approved by the governmental unit on behalf of which the Bonds are issued and a governmental unit having jurisdiction over the territorial limits in which the Facilities are located pursuant to the public approval

requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

**WHEREAS**, the Facilities are located within the territorial limits of City of San Jose (the "City") and the Council of the City (the "City Council") is the elected legislative body of the City; and

**WHEREAS**, the public approval of the Bonds must be preceded by a public hearing and reasonable public notice of such public hearing must be given (the "Public Hearing"); and

**WHEREAS**, in order to facilitate the Public Hearing in a timely manner, the City Council has determined that it is prudent and in the best interests of the City to delegate responsibility for the conduct of the Public Hearing to the City Manager and the City Manager's duly appointed designees;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:**

**Section 1.** The City Council hereby finds and determines that all of the recitals are true and correct.

**Section 2.** The City Council hereby delegates to the City Manager and the City Manager's duly appointed designees the authority to conduct the Public Hearing, for and on behalf of the City Council. The City Manager shall forward a report of the Public Hearing to the City Council in connection with its consideration of the approval of the issuance of the Bonds by the Authority to finance the Facilities.

**Section 3.** All actions heretofore taken by the officers, employees and agents of the City with respect to the Public Hearing are hereby approved, confirmed and ratified, and the officers and employees of the City and their authorized deputies and agents are hereby authorized and directed, jointly and severally, to do any and all things to effectuate the purposes of this Resolution.

**Section 4.** This Resolution shall take effect from and after its adoption.

ADOPTED this 5th day of October, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



---

LEE PRICE, MMC  
City Clerk



---

CHUCK REED  
Mayor